



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,639	07/11/2003	James Brian Vrotacoe	600.1282	4272

23280 7590 07/28/2004

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

EVANISKO, LESLIE J

ART UNIT PAPER NUMBER

2854

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,639

Applicant(s)

VROTACOE ET AL.

Examiner

-Leslie J. Evanisko

Art Unit

-2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2003-07-11.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I and the species IF of Figure 2D, on which claims 1, 2, 4-14 and 17 read, in the reply filed on June 3, 2004 is acknowledged.

2. Claims 3, 15-16, and 18-19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 3, 2004.

Additionally, note that claim 17 as currently written is a duplicate of claim 14 and it appears that applicant intended for claim 17 to actually depend upon claim 15 instead of claim 12 as written. Therefore, it has been assumed by the Examiner that claim 17 should depend upon non-elected claim 15 and therefore, claim 17 has also been withdrawn from consideration. Regardless, the applicant should clarify his/her position with respect to claim 17 (and whether it was intended to depend upon claim 15) in response to this Office Action.

Claim Objections

3. Claim 6 is objected to because of the following informalities: With respect to claim 6, the term "the blanket cylinder" has no proper

~~antecedent basis since no blanket cylinder was previously recited.~~

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5, 7, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Behnke et al. (US 5,863,367). Behnke et al. teach a “carrier sleeve layer” (i.e., the compressible layer 5) having at least one axially convex surface, and a print layer 9 disposed over the carrier sleeve layer. See Figures 2a, 2b, and 4 in particular. Since the layer 5 functions to carry the print layer, it can broadly be considered to be a carrier sleeve layer as recited.

With respect to claim 2, note the carrier sleeve layer 5 is thicker in the axial middle than at the axial ends, as described in column 3, lines 43-47 and shown in Figures 2a-4.

With respect to claim 4, note the print layer 9 shown in Figures 2b and 4 in particular has a uniform thickness.

Art Unit: 2854

~~With respect to claim 5, note column 4, line 60 through column 5,~~
line 6 and column 6, lines 27-34.

~~With respect to claim 7, note column 2, lines 55-60.~~

With respect to claim 12, note the teaching of a lithographic web printing press including an image cylinder, blanket cylinder, and blanket as recited in column 1, lines 15-40, column 2, lines 55-60, and column 4, lines 31-34.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 10-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behnke et al. (US 5,863,367) in view of Fromson et al. (US 6,062,138). Behnke et al. teach a printing blanket and offset printing press as recited with the exception of providing any details regarding the specific number of axial image areas provided on the image cylinder or printing blanket. However, the provision of a plurality of image areas (such as, for example, two to four) on the printing blanket and image cylinder in a lithographic printing press is well known in the art, as exemplified by Fromson et al. in Figure 1 and column 2, lines 35-42. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the image cylinder and printing blanket of Behnke et al. with at least three axial image areas as taught by Fromson et al. to allow for simultaneous printing of multiple images on a web.

Allowable Subject Matter

9. Claims 6 and 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 6, the prior art of record fails to teach or fairly suggest a printing blanket having all of the structure as recited, in combination with and particularly including, the outer surface of the print layer having a convex axial profile when the blanket is disposed on a blanket cylinder without pressure.

With respect to claims 8-9, the prior art of record fails to teach or fairly suggest a printing blanket having all of the structure as recited, in combination with and particularly including, a carrier sleeve layer with at least one axially convex surface, a print layer disposed over the carrier layer, and a compressible layer disposed between the carrier sleeve layer and the print layer.

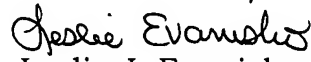
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
July 23, 2004